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81ST CONGRESS
2D SESSION

H. R. 7430

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 27, 1950

Mr. HOLIFIELD introduced the following bill; which was referred to the Committee on Expenditures in the Executive Departments

A BILL

To amend the Federal Property and Administrative Services Act of 1949 by creating a new title to provide for an adequate traffic management service in the Federal Government, and for other purposes.

- 1 *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*
- 2 That the Federal Property and Administrative Services Act
- 3 of 1949 be and hereby is amended by—
- 4 (1) Changing title V in the table of contents to read
- 5 as follows:

"TITLE VI—GENERAL PROVISIONS

- "Sec. 601. Applicability of existing procedures.
- "Sec. 602. Repeal and saving provisions.
- "Sec. 603. Authorization for appropriations.
- "Sec. 604. Separability.
- "Sec. 605. Effective date."

i (2) Inserting at the proper place in the table of contents
2 the following:

"TITLE V—FEDERAL TRAFFIC MANAGEMENT

"Sec. 501. Policies and methods of transportation and traffic management; surveys; development of suitable programs; powers, duties, and functions.

"Sec. 502. Administrative organization.

"Sec. 503. Applicability of the Federal Property and Administrative Services Act of 1949.

"Sec. 504. Powers, functions, and duties in the field of Federal transportation and traffic management.

"Sec. 505. Suits by carriers.

"Sec. 506. Annual report.

"Sec. 507. Definitions."

3 (3) Redesignating "Title V—General Provisions", as
4 "Title VI—General Provisions", and by changing the sec-
5 tion numbers thereof from 501, 502, 503, 504, and 505,
6 respectively, to 601, 602, 603, 604, and 605, respectively.

7 (4) This Act may be cited as the "Federal Traffic
8 Management Act of 1950".

9 9 POLICIES AND METHODS OF TRANSPORTATION AND TRAFFIC
10 10 MANAGEMENT; SURVEYS; DEVELOPMENT OF SUITABLE
11 11 PROGRAMS; POWERS, DUTIES, AND FUNCTIONS

12 12 SEC. 501. (a) To effectuate the policy set forth in
13 13 section 2 (a), and to implement section 201 (a) (1) of
14 14 the Federal Property and Administrative Services Act of
15 15 1949, which recites that the Administrator shall, in respect
16 16 of executive agencies, and to the extent that he determine
17 17 that so doing is advantageous to the Government in terms
18 18 of economy, efficiency, or service, and with due regard to

1 the program activities of the agencies concerned, prescribe
2 policies and methods of transportation and traffic man-
3 agement.

4 In accordance with this prescription, the Administrator
5 shall make appropriate surveys of the transportation and
6 traffic management facilities, procedures, policies, and
7 methods of the departments and agencies of the Federal
8 Government.

9 The Secretary of Defense may, from time to time, and
10 unless the President shall otherwise direct, except the De-
11 partment of Defense from action taken or to be taken by
12 the Administrator under the provisions of this title when-
13 ever he determines such exception to be in the best interests
14 of national security.

15 (b) On the basis of the information obtained by these
16 surveys, the Administrator shall, in cooperation with the
17 individual departments and agencies, develop suitable pro-
18 grams of transportation and traffic management which
19 should include among others the following phases:

20 (1) The maintenance for reference of complete and
21 current files of the rates, schedules, tariffs, reports, and re-
22 lated publication of carriers and regulatory bodies;

23 (2) The application of appropriate rates and schedules
24 for the shipment of Government property and the procedures
25 utilized in negotiations for special reduced rates or special

1 services applicable to the transportation of Government
2 traffic except as otherwise provided by law;

3 (3) The compilation of manuals, rate schedules, and
4 other pertinent aids for the use of personnel engaged in
5 traffic work;

6 (4) The routing, diversion, reconsignment, transit, or
7 other accessorial services incident to the movement of Gov-
8 ernment traffic;

9 (5) The representation of the United States in pro-
10 ceedings before carriers, their associations, or bureaus and
11 Federal or State regulatory bodies relating to transportation
12 and traffic management;

13 (6) The ascertainment of procedures utilized for the
14 checking, preauditing, revision, and verification of bills for
15 transportation charges for Government traffic;

16 (7) The practices relating to the filing and prosecution
17 of claims, actions, suits, or proceedings for recovery of over-
18 charges, unreasonable or unlawful charges for transportation
19 of Government traffic, or for loss of, damage to, or delay in,
20 Government shipments;

21 (8) The practices relating to the establishment, devel-
22 opment, and supervision of training courses for Government
23 traffic personnel or for Government personnel selected to
24 perform work or duties relating to traffic management or
25 the transportation of Government property or personnel;

1 (9) The programs of the Federal agencies in the field
2 of planning, development, and maintenance of adequate ship-
3 ping facilities.

4 ADMINISTRATIVE ORGANIZATION

5 SEC. 502. (a) In the field of Federal transportation and
6 traffic management, it shall be the responsibility of the Ad-
7 ministrator to delegate such of his powers, duties, and func-
8 tions to a Federal Traffic Manager as he deems necessary to
9 effectuate the policies and provisions set out in this title. The
10 Traffic Manager shall be appointed by the Administrator to
11 serve at his pleasure, and he shall receive an annual salary in
12 conformity with the Executive Salary Act of 1949 (Public
13 Law 429). The Traffic Manager shall be a citizen of the
14 United States, and, during his term of office, shall own no
15 stock or bonds of any carrier or shall have no pecuniary
16 interest in any firm, partnership, or corporation owning or
17 having a financial interest in any carrier. He shall devote
18 his full time to his official duties and during his term of office
19 shall have no other gainful occupation or employment.

20 (b) The Administrator shall, after consultation with
21 the Traffic Manager, appoint a Deputy Traffic Manager.
22 The Deputy Traffic Manager shall perform such functions
23 as the Traffic Manager shall designate and shall be Acting
24 Traffic Manager during the absence or disability of the
25 Traffic Manager: *Provided, however, That the Adminis-*

1 trator may, in the event of a vacancy in the office of Traffic
2 Manager, designate another officer of the General Services
3 Administration to act in his place.

4 (c) The Administrator may, without regard to the
5 civil-service laws, appoint and prescribe the duties of such
6 legal counsel and assistant traffic managers as may be
7 necessary.

8 (d) The Administrator may establish and maintain
9 such field offices as he deems necessary for the efficient per-
10 formance of the duties prescribed under this title.

11 APPLICABILITY OF THE FEDERAL PROPERTY AND
12 ADMINISTRATIVE SERVICES ACT OF 1949

13 SEC. 503. Except as otherwise provided in this title,
14 the terms of the provisions of the Federal Property and
15 Administrative Services Act of 1949 shall apply as to
16 powers, duties, functions, and authority of the Administrator
17 and of the General Services Administration.

18 POWERS, FUNCTIONS, AND DUTIES IN THE FIELD OF
19 FEDERAL TRANSPORTATION AND TRAFFIC MANAGEMENT.

20 SEC. 504. The powers and functions vested in the Ad-
21 ministrator under the provisions of this title shall be exer-
22 cised or administered by the Traffic Manager or by the Dep-
23 uty Traffic Manager or by any other officer designated by
24 the Administrator as set forth in section 502 (b).

25 (a) Preparation and issuance of rules and regulations

1 relating to the several powers and duties in the field of
2 Federal transportation and traffic management; such rules
3 and regulations shall be binding on all Federal traffic per-
4 sonnel, upon proper notice to the heads of such departments
5 and agencies in the Federal Government.

6 (b) Coordination of the programming activities of the
7 procurement personnel with those employed in the field of
8 transportation and traffic management in regard to the
9 preparation of contract delivery forms and terms with a
10 view to standardizing such for identification and clarifica-
11 tion as to the exact time of passage of title, responsibility for
12 charges, liability for damage, and other related items.

13 (c) Providing information as to the transportation costs
14 involved in determining suitable locations for Government
15 facilities, as to arrangements for adequate transport service
16 at minimum or reasonable cost, and as to facilitating the
17 movement of Government traffic.

18 (d) Negotiation of all contracts for special reduced
19 rates or special services applicable to the movement of
20 Government traffic; negotiating and contracting with car-
21 riers, (1) for changes in tariffs; (2) for the establishment,
22 for such definite periods of time as may be agreed upon, of
23 other just and reasonable tariffs for the transportation of
24 Government traffic by special quotation under section 22,
25 part I, and companion sections of the Interstate Commerce

1 Act; and (3) as to the forms, terms, and conditions, and
2 rules and regulations relating to bills of lading and other
3 transportation documents covering or pertaining to the trans-
4 portation of Government traffic; further, the Administrator
5 may delegate individual negotiations to the heads of indi-
6 vidual Government agencies.

7 (e) Making provision for the fair, impartial, and equita-
8 ble distribution of traffic among the various modes of trans-
9 portation and the several carriers, by general or special
10 instructions on routing guides, supervision and direction of
11 the selection of the carrier or carriers and the route or routes
12 for the transportation of all Government personnel, and all
13 Government shipments, by all consignors thereof, subject to
14 the following considerations:

15 (1) The over-all cost of the transportation to the Gov-
16 ernment, including incidental and accessorial expenses;

17 (2) The quality and amount of the transportation serv-
18 ice required for the particular type, class, or category of
19 Government traffic involved.

20 (f) Assisting the departments and agencies in the plan-
21 ning, development, and maintenance of suitable shipping
22 facilities, in view of the provisions of section 205 (h) of
23 this Act, and making provision for the continuing inspection
24 of such Government shipping facilities and practices, to insure

1 conformity with rules, regulations, and methods as prescribed
2 by the Administrator.

3 (g) Establishment and maintenance of a statistical sec-
4 tion, compiling information and preparing statistical sum-
5maries, including as the Administrator may elect, a periodic
6 reporting by sampling or otherwise of the origin, destination,
7 commodity, quantity, routing, and other conditions of Gov-
8 ernment traffic.

9 (h) Continuous investigation and research relating to
10 the lawfulness, fairness, and reasonableness of all present and
11 proposed tariffs and special rates, insofar as they shall relate
12 to or concern, directly or indirectly, any actual or potential
13 Government traffic.

14 (i) Institution of such procedures as the Administrator
15 shall deem necessary and practicable for the receiving, pre-
16 auditing, checking, and verifying of all bills against the
17 United States for the transportation of Government traffic
18 and for certifying to the correctness of such charges for
19 purposes of payment to carriers.

20 (j) Institution of, or intervention or participation in,
21 any formal or informal proceeding relating to any matter
22 within the jurisdiction of the Administrator before any Fed-
23 eral or State administrative agency or regulatory body, and
24 making such representations and introducing such evidence

1 therein as the Administrator shall deem to be proper and
2 necessary, and filing any petition or complaint with such
3 administrative agency or regulatory body as the Admin-
4 istrator shall deem proper or necessary in the interest of
5 the United States.

6 (k) Authorization of the Administrator to sue, for and
7 in behalf of the United States, in any court or before any
8 competent tribunal, for the recovery of any unlawful, unfair,
9 or unreasonable charge theretofore paid by the United States
10 for the transportation of Government traffic, and for dam-
11 ages thereto resulting from loss, injury, or delay, or for the
12 enforcement or for the breach of any contract or agreement
13 relating to such charge for such transportation.

14 SUITS BY CARRIERS

15 SEC. 505. (a) Any carrier is authorized to sue the
16 Administrator, as the representative of the United States,
17 in any district court of the United States, in which district
18 such carrier maintains a principal or field office or in which
19 the General Services Administration maintains a principal or
20 branch office, for all unpaid charges for the transportation of
21 Government traffic, or to enforce, or for the breach of, any
22 contract or agreement made pursuant to this title.

23 (b) It shall be the duty of any district attorney of the
24 United States, under the direction of the Attorney General of
25 the United States, upon application of the Administrator,

- 1 to institute or defend any action, suit or proceeding described
- 2 under this title, except proceedings before a Federal or State
- 3 administrative agency or regulatory body.

4 (c) All actions and suits against the Administrator
5 under the provisions of section 505 (a) shall be begun within
6 six years from the date the cause of action arose, or within
7 six years from the date of enactment of this title, whichever
8 date is the later.

9 ANNUAL REPORT

10 SEC. 506. The Administrator, in his annual report to the
11 Congress in January, shall submit information with respect
12 to all activities in the field of transportation and traffic man-
13 agement during the preceding calendar year and such in-
14 formation and data as may be considered of value in the
15 determination of questions connected with the transportation
16 of Government traffic, together with such recommendations
17 as to additional legislation relating thereto as the Admin-
18 istrator may deem necessary.

19 DEFINITIONS

20 SEC. 507. As used in this title unless the context other-
21 wise requires—

22 (1) The term "United States" means the United States
23 Government or any officer, department, or agency thereof
24 (including a corporation all or substantially all of whose
25 capital stock is owned or held by or for the United States).

1 (2) The term "carrier" means any transportation
2 agency engaged in the shipment of Federal Government
3 property and/or subject to regulation under any part of
4 the Interstate Commerce Act, as amended; or under the
5 Civil Aeronautics Act of 1938, as amended; or under the
6 Merchant Marine Act of 1936, as amended; or under the
7 Shipping Act of 1916, as amended; or under the Inter-
8 coastal Shipping Act of 1933, as amended.

9 (3) The term "regulatory bodies" means the Inter-
10 state Commerce Commission, the Civil Aeronautics Board,
11 the Maritime Commission, and any other agencies, Federal
12 or State, now or hereafter constituted with power to regu-
13 late the rates, charges, practices, rules, or regulations of
14 carriers.

15 (4) The term "Government traffic" or "Government
16 shipment" means one or more shipments of public property
17 or the movement of persons by any mode of transportation
18 to, from, by, or for the account of the United States.

19 (5) The term "tariff" means any tariff, schedule, or
20 classification, and any revision, or amendment thereto, or
21 supplement thereto, filed by any carrier, with any Federal
22 or State regulatory body, naming or affecting rates, ratings,

1 charges, classifications, rules, regulations, or practices for the
2 transportation of public property or movement of personnel.

3 (6) The term "facilities" means things that promote
4 the ease of any action, operation, transaction, or course of
5 conduct.

6 (7) The term "Administrator" means the Administra-
7 tor of the General Services Administration.

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